



General Assembly

January Session, 2003

Raised Bill No. 1024

LCO No. 3403

Referred to Committee on Planning and Development

Introduced by:
(PD)

***AN ACT CONCERNING CONSISTENCY IN MUNICIPAL LAND USE
ADMINISTRATIVE REVIEW PROCESSES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 8-3 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (a) Such zoning commission shall provide for the manner in which
5 regulations under section 8-2 or 8-2j and the boundaries of zoning
6 districts shall be respectively established or changed. No such
7 regulation or boundary shall become effective or be established or
8 changed until after a public hearing in relation thereto, held by a
9 majority of the members of the zoning commission or a committee
10 thereof appointed for that purpose consisting of at least five members,
11 [at which parties in interest and citizens shall have an opportunity to
12 be heard. Notice of the time and place of such hearing shall be
13 published in the form of a legal advertisement appearing in a
14 newspaper having a substantial circulation in such municipality at
15 least twice at intervals of not less than two days, the first not more than
16 fifteen days nor less than ten days, and the last not less than two days,

17 before such hearing, and a] Such hearing shall be held in accordance
 18 with the provisions of section 8-7d, as amended by this act. A copy of
 19 such proposed regulation or boundary shall be filed in the office of the
 20 town, city or borough clerk, as the case may be, in such municipality,
 21 but, in the case of a district, in the offices of both the district clerk and
 22 the town clerk of the town in which such district is located, for public
 23 inspection at least ten days before such hearing, and may be published
 24 in full in such paper. [In addition to such notice, such zoning
 25 commission may, by regulation, provide for notice by mail to persons
 26 who are owners of land which is included in or adjacent to the land
 27 which is the subject of the hearing.] The commission may require a
 28 filing fee to be deposited with the commission to defray the cost of
 29 publication of the notice required for a hearing.

30 Sec. 2. Section 8-3b of the general statutes is repealed and the
 31 following is substituted in lieu thereof (*Effective October 1, 2003*):

32 When the zoning commission of any municipality proposes to
 33 establish or change a zone or any regulation affecting the use of a zone
 34 any portion of which is within five hundred feet of the boundary of
 35 another municipality located within the area of operation of a regional
 36 planning agency, the zoning commission shall give written notice of its
 37 proposal to the regional planning agency or agencies of the region in
 38 which it and the other municipality are located. [not later than thirty-
 39 five days before the public hearing to be held in relation thereto.] Such
 40 notice shall be made by certified mail, return receipt requested not
 41 later than thirty days before the public hearing to be held in relation
 42 thereto. The regional planning agency shall study such proposal and
 43 shall report its findings and recommendations thereon to the zoning
 44 commission at or before the hearing, and such report shall be [read
 45 aloud at the hearing] made a part of the record of such hearing. The
 46 report of any regional planning agency of any region that is contiguous
 47 to Long Island Sound shall include findings and recommendations on
 48 the environmental impact of the proposal on the ecosystem and habitat
 49 of Long Island Sound. If such report of the regional planning agency is

50 not submitted at or before the hearing, it shall be presumed that such
51 agency does not disapprove of the proposal. A regional planning
52 agency receiving such a notice may transmit such notice to the
53 Secretary of the Office of Policy and Management or his designee for
54 comment. The planning agency may designate its executive committee
55 to act for it under this section or may establish a subcommittee for the
56 purpose. The report of said planning agency shall be purely advisory.

57 Sec. 3. Subsection (b) of section 8-3c of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2003*):

60 (b) The zoning commission or combined planning and zoning
61 commission of any municipality shall hold a public hearing on an
62 application or request for a special permit or special exception, as
63 provided in section 8-2, and on an application for a special exemption
64 under section 8-2g. Such hearing shall be held in accordance with the
65 provisions of section 8-7d, as amended by this act. The commission
66 shall not render a decision on the application until the inland wetlands
67 agency has submitted a report with its final decision to such
68 commission. In making its decision the zoning commission shall give
69 due consideration to the report of the inland wetlands agency. [Notice
70 of the time and place of such hearing shall be published in a
71 newspaper having a substantial circulation in such municipality at
72 least twice, at intervals of not less than two days, the first not more
73 than fifteen days, nor less than ten days, and the last not less than two
74 days before the date of such hearing. In addition to such notice, such
75 zoning commission may, by regulation, provide for notice by mail to
76 persons who are owners of land which is adjacent to the land which is
77 the subject of the hearing. At such hearing any party may appear in
78 person and may be represented by agent or by attorney.] Such
79 commission shall decide upon such application or request within the
80 period of time permitted under section 8-7d, as amended by this act.
81 Whenever a commission grants or denies a special permit or special
82 exception, it shall state upon its records the reason for its decision.

83 Notice of the decision of the commission shall be published in a
84 newspaper having a substantial circulation in the municipality and
85 addressed by certified mail to the person who requested or applied for
86 a special permit or special exception, by its secretary or clerk, under his
87 signature in any written, printed, typewritten or stamped form, within
88 fifteen days after such decision has been rendered. In any case in
89 which such notice is not published within such fifteen-day period, the
90 person who requested or applied for such special permit or special
91 exception may provide for the publication of such notice within ten
92 days thereafter. Such permit or exception shall become effective upon
93 the filing of a copy thereof (1) in the office of the town, city or borough
94 clerk, as the case may be, but, in the case of a district, in the offices of
95 both the district clerk and the town clerk of the town in which such
96 district is located and (2) in the land records of the town in which the
97 affected premises are located, in accordance with the provisions of
98 section 8-3d.

99 Sec. 4. Section 8-7 of the general statutes is repealed and the
100 following is substituted in lieu thereof (Effective October 1, 2003):

101 The concurring vote of four members of the zoning board of appeals
102 shall be necessary to reverse any order, requirement or decision of the
103 official charged with the enforcement of the zoning regulations or to
104 decide in favor of the applicant any matter upon which it is required to
105 pass under any bylaw, ordinance, rule or regulation or to vary the
106 application of the zoning bylaw, ordinance, rule or regulation. An
107 appeal may be taken to the zoning board of appeals by any person
108 aggrieved or by any officer, department, board or bureau of any
109 municipality aggrieved and shall be taken within such time as is
110 prescribed by a rule adopted by said board, or, if no such rule is
111 adopted by the board, within thirty days, by filing with the zoning
112 commission or the officer from whom the appeal has been taken and
113 with said board a notice of appeal specifying the grounds thereof. The
114 officer from whom the appeal has been taken shall forthwith transmit
115 to said board all the papers constituting the record upon which the

116 action appealed from was taken. An appeal shall not stay any such
117 order, requirement or decision which prohibits further construction or
118 expansion of a use in violation of such zoning regulations except to
119 such extent that the board grants a stay thereof. An appeal from any
120 other order, requirement or decision shall stay all proceedings in the
121 action appealed from unless the zoning commission or the officer from
122 whom the appeal has been taken certifies to the zoning board of
123 appeals after the notice of appeal has been filed that by reason of facts
124 stated in the certificate a stay would cause imminent peril to life or
125 property, in which case proceedings shall not be stayed, except by a
126 restraining order which may be granted by a court of record on
127 application, on notice to the zoning commission or the officer from
128 whom the appeal has been taken and on due cause shown. [Such
129 board shall, within the period of time permitted under section 8-7d,
130 hear such appeal and give due notice thereof to the parties. Notice of
131 the time and place of such hearing shall be published in a newspaper
132 having a substantial circulation in such municipality at least twice at
133 intervals of not less than two days, the first not more than fifteen days,
134 nor less than ten days, and the last not less than two days before such
135 hearing. In addition to such notice, such board may, by regulation,
136 provide for notice by mail to persons who are owners of land which is
137 adjacent to the land which is the subject of the hearing. At such
138 hearing any party may appear in person and may be represented by
139 agent or by attorney.] The board shall hold a public hearing on such
140 appeal in accordance with the provisions of section 8-7d, as amended
141 by this act. Such board may reverse or affirm wholly or partly or may
142 modify any order, requirement or decision appealed from and shall
143 make such order, requirement or decision as in its opinion should be
144 made in the premises and shall have all the powers of the officer from
145 whom the appeal has been taken but only in accordance with the
146 provisions of this section. Whenever a zoning board of appeals grants
147 or denies any special exception or variance in the zoning regulations
148 applicable to any property or sustains or reverses wholly or partly any
149 order, requirement or decision appealed from, it shall state upon its

150 records the reason for its decision and the zoning bylaw, ordinance or
 151 regulation which is varied in its application or to which an exception is
 152 granted and, when a variance is granted, describe specifically the
 153 exceptional difficulty or unusual hardship on which its decision is
 154 based. Notice of the decision of the board shall be published in a
 155 newspaper having a substantial circulation in the municipality and
 156 addressed by certified mail to any person who appeals to the board, by
 157 its secretary or clerk, under his signature in any written, printed,
 158 typewritten or stamped form, within fifteen days after such decision
 159 has been rendered. In any case in which such notice is not published
 160 within such fifteen-day period, the person who requested or applied
 161 for such special exception or variance or took such appeal may provide
 162 for the publication of such notice within ten days thereafter. Such
 163 exception or variance shall become effective upon the filing of a copy
 164 thereof (1) in the office of the town, city or borough clerk, as the case
 165 may be, but, in the case of a district, in the offices of both the district
 166 clerk and the town clerk of the town in which such district is located
 167 and (2) in the land records of the town in which the affected premises
 168 are located, in accordance with the provisions of section 8-3d.

169 Sec. 5. Section 8-7d of the general statutes is repealed and the
 170 following is substituted in lieu thereof (*Effective October 1, 2003*):

171 (a) [Except as provided in subsection (b) of this section, in] In all
 172 matters wherein a formal petition, application, request or appeal must
 173 be submitted to a zoning commission, planning and zoning
 174 commission, [or] zoning board of appeals under this chapter, planning
 175 commission under chapter 126 or inland wetlands agency under
 176 chapter 440 and a hearing is required or otherwise held on such
 177 petition, application, request or appeal, such hearing shall commence
 178 within sixty-five days after receipt of such petition, application,
 179 request or appeal and shall be completed within thirty-five days after
 180 such hearing commences, unless a shorter period of time is required
 181 under this chapter or chapter 126 or 440. Notice of the hearing shall be
 182 published in a newspaper having a general circulation in such

183 municipality where the land that is the subject of the hearing is located
184 at least twice at intervals of not less than two days, the first not more
185 than fifteen days, nor less than ten days, and the last not less than two
186 days before the date set for the hearing. In addition to such notice,
187 such commission, board or agency may, by regulation, provide for
188 notice to persons who own or occupy land that is adjacent to the land
189 that is the subject of the hearing. All applications and maps and
190 documents relating thereto shall be open for public inspection. At
191 such hearing any person or persons may appear and be heard and may
192 be represented by agent or by attorney. All decisions on such matters
193 shall be rendered within [sixty-five] thirty-five days after completion
194 of such hearing unless a shorter period of time is required pursuant to
195 this chapter, chapter 126 or chapter 440. The petitioner or applicant
196 may consent to one or more extensions of any period specified in this
197 subsection, provided the total extension of [any] all such [period]
198 periods shall not be for longer than [the original period as specified in
199 this subsection] sixty-five days, or may withdraw such petition,
200 application, request or appeal.

201 (b) [Whenever] Notwithstanding the provisions of subsection (a) of
202 this section, whenever the approval of a site plan is the only
203 requirement to be met or remaining to be met under the zoning
204 regulations for any building, use or structure, a decision on an
205 application for approval of such site plan shall be rendered within
206 sixty-five days after receipt of such site plan. Whenever a decision is to
207 be made on an application for subdivision approval under chapter 126
208 on which no hearing is held, such decision shall be rendered within
209 sixty-five days after receipt of such application. Whenever a decision
210 is to be made on an inland wetlands and watercourses application
211 under chapter 440 on which no hearing is held, such decision shall be
212 rendered within sixty-five days after receipt of such application. The
213 applicant may consent to one or more extensions of such period,
214 provided the total period of any such extension or extensions shall not
215 exceed [two further sixty-five-day periods,] sixty-five days or may
216 withdraw such plan or application.

217 (c) For purposes of subsection (a) or (b) of this section and section 13
218 of this act, the [day] date of receipt of a petition, application, request or
219 appeal shall be the day of the next regularly scheduled meeting of such
220 commission, [or] board or agency, immediately following the day of
221 submission to such [board or] commission, board or agency or its
222 agent of such petition, application, request or appeal or thirty-five days
223 after such submission, whichever is sooner. If the commission, [or]
224 board or agency does not maintain an office with regular office hours,
225 the office of the clerk of the municipality shall act as the agent of such
226 commission, [or] board or agency for the receipt of any petition,
227 application, request or appeal. Any petition, application, request or
228 appeal shall be presumed complete for the purpose of determining the
229 date of receipt and shall be accepted by the commission, board or
230 agency or its agent if the commission, board or agency has not
231 provided to the applicant a form or written check list of required
232 information and documentation needed to constitute a complete
233 petition, application, request or appeal. Such application form and
234 check list, if any, shall be an objective, specific list of information and
235 documentation requirements, except that such requirements shall not
236 include evidence of approvals from other commissions, boards,
237 agencies or authorities for purposes of making a petition, application
238 request or appeal complete. Such form and check list, if any, shall be
239 made available to the public in the office of the commission, board or
240 agency or, if regular office hours are not maintained by such
241 commission, board or agency, in the office of the clerk of the
242 municipality. If such form or check list is provided by a commission,
243 board or agency, a petition, application, request or appeal may not, in
244 the discretion of the commission, board or agency, be accepted as
245 complete if it does not contain all the required specific information and
246 documentation.

247 (d) The provisions of subsection (a) of this section shall not apply to
248 any action initiated by any zoning or planning and zoning commission
249 regarding adoption or change of any zoning regulation or boundary.

250 (e) Notwithstanding the provisions of this section, if an application
251 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
252 inclusive, as amended by this act, and the time for a decision by a
253 zoning commission or planning and zoning commission established
254 pursuant to this section would elapse prior to the thirty-fifth day after
255 a decision by the inland wetlands agency, the time period for a
256 decision shall be extended to thirty-five days after the decision of such
257 agency. The provisions of this subsection shall not be construed to
258 apply to any extension consented to by an applicant or petitioner.

259 (f) The zoning commission, planning commission, zoning and
260 planning commission, zoning board of appeals or inland wetlands
261 agency shall notify the clerk of any adjoining municipality of the
262 pendency of any application, petition, appeal, request or plan
263 concerning any project on any site in which: (1) Any portion of the
264 property affected by a decision of such commission, board or agency is
265 within five hundred feet of the boundary of the adjoining
266 municipality; (2) a significant portion of the traffic to the completed
267 project on the site will use streets within the adjoining municipality to
268 enter or exit the site; (3) a significant portion of the sewer or water
269 drainage from the project on the site will flow through and
270 significantly impact the drainage or sewerage system within the
271 adjoining municipality; or (4) water runoff from the improved site will
272 impact streets or other municipal or private property within the
273 adjoining municipality. Such notice shall be made by certified mail,
274 return receipt requested, and shall be mailed within seven days of the
275 date of receipt of the application, petition, request or plan. Such
276 adjoining municipality may, through a representative, appear and be
277 heard at any hearing on any such application, petition, appeal, request
278 or plan.

279 Sec. 6. Subsection (a) of section 8-25 of the general statutes is
280 repealed and the following is substituted in lieu thereof (Effective
281 October 1, 2003):

282 (a) No subdivision of land shall be made until a plan for such
283 subdivision has been approved by the commission. Any person, firm
284 or corporation making any subdivision of land without the approval of
285 the commission shall be fined not more than five hundred dollars for
286 each lot sold or offered for sale or so subdivided. Any plan for
287 subdivision shall, upon approval, or when taken as approved by
288 reason of the failure of the commission to act, be filed or recorded by
289 the applicant in the office of the town clerk within ninety days of the
290 expiration of the appeal period under section 8-8, or in the case of an
291 appeal, within ninety days of the termination of such appeal by
292 dismissal, withdrawal or judgment in favor of the applicant but, if it is
293 a plan for subdivision wholly or partially within a district, it shall be
294 filed in the offices of both the district clerk and the town clerk, and any
295 plan not so filed or recorded within the prescribed time shall become
296 null and void, except that the commission may extend the time for
297 such filing for two additional periods of ninety days and the plan shall
298 remain valid until the expiration of such extended time. All such plans
299 shall be delivered to the applicant for filing or recording not more than
300 thirty days after the time for taking an appeal from the action of the
301 commission has elapsed or not more than thirty days after the date
302 that plans modified in accordance with the commission's approval and
303 that comply with section 7-31 are delivered to the commission,
304 whichever is later, and in the event of an appeal, not more than thirty
305 days after the termination of such appeal by dismissal, withdrawal or
306 judgment in favor of the applicant or not more than thirty days after
307 the date that plans modified in accordance with the commission's
308 approval and that comply with section 7-31 are delivered to the
309 commission, whichever is later. No such plan shall be recorded or filed
310 by the town clerk or district clerk or other officer authorized to record
311 or file plans until its approval has been endorsed thereon by the
312 chairman or secretary of the commission, and the filing or recording of
313 a subdivision plan without such approval shall be void. Before
314 exercising the powers granted in this section, the commission shall
315 adopt regulations covering the subdivision of land. No such

316 regulations shall become effective until after a public hearing [, notice
317 of the time, place and purpose of which shall be given by publication
318 in a newspaper of general circulation in the municipality at least twice,
319 at intervals of not less than two days, the first not more than fifteen
320 days nor less than ten days, and the last not less than two days prior to
321 the date of such hearing] held in accordance with the provisions of
322 section 8-7d, as amended by this act. Such regulations shall provide
323 that the land to be subdivided shall be of such character that it can be
324 used for building purposes without danger to health or the public
325 safety, that proper provision shall be made for water, sewerage and
326 drainage, including the upgrading of any downstream ditch, culvert or
327 other drainage structure which, through the introduction of additional
328 drainage due to such subdivision, becomes undersized and creates the
329 potential for flooding on a state highway, and, in areas contiguous to
330 brooks, rivers or other bodies of water subject to flooding, including
331 tidal flooding, that proper provision shall be made for protective flood
332 control measures and that the proposed streets are in harmony with
333 existing or proposed principal thoroughfares shown in the plan of
334 conservation and development as described in section 8-23, especially
335 in regard to safe intersections with such thoroughfares, and so
336 arranged and of such width, as to provide an adequate and convenient
337 system for present and prospective traffic needs. Such regulations shall
338 also provide that the commission may require the provision of open
339 spaces, parks and playgrounds when, and in places, deemed proper by
340 the planning commission, which open spaces, parks and playgrounds
341 shall be shown on the subdivision plan. Such regulations may, with
342 the approval of the commission, authorize the applicant to pay a fee to
343 the municipality or pay a fee to the municipality and transfer land to
344 the municipality in lieu of any requirement to provide open spaces.
345 Such payment or combination of payment and the fair market value of
346 land transferred shall be equal to not more than ten per cent of the fair
347 market value of the land to be subdivided prior to the approval of the
348 subdivision. The fair market value shall be determined by an appraiser
349 jointly selected by the commission and the applicant. A fraction of

350 such payment the numerator of which is one and the denominator of
351 which is the number of approved parcels in the subdivision shall be
352 made at the time of the sale of each approved parcel of land in the
353 subdivision and placed in a fund in accordance with the provisions of
354 section 8-25b. The open space requirements of this section shall not
355 apply if the transfer of all land in a subdivision of less than five parcels
356 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
357 uncle or first cousin for no consideration, or if the subdivision is to
358 contain affordable housing, as defined in section 8-39a, equal to twenty
359 per cent or more of the total housing to be constructed in such
360 subdivision. Such regulations, on and after July 1, 1985, shall provide
361 that proper provision be made for soil erosion and sediment control
362 pursuant to section 22a-329. Such regulations shall not impose
363 conditions and requirements on manufactured homes having as their
364 narrowest dimension twenty-two feet or more and built in accordance
365 with federal manufactured home construction and safety standards or
366 on lots containing such manufactured homes which are substantially
367 different from conditions and requirements imposed on single-family
368 dwellings and lots containing single-family dwellings. Such
369 regulations shall not impose conditions and requirements on
370 developments to be occupied by manufactured homes having as their
371 narrowest dimension twenty-two feet or more and built in accordance
372 with federal manufactured home construction and safety standards
373 which are substantially different from conditions and requirements
374 imposed on multifamily dwellings, lots containing multifamily
375 dwellings, cluster developments or planned unit developments. The
376 commission may also prescribe the extent to which and the manner in
377 which streets shall be graded and improved and public utilities and
378 services provided and, in lieu of the completion of such work and
379 installations previous to the final approval of a plan, the commission
380 may accept a bond in an amount and with surety and conditions
381 satisfactory to it securing to the municipality the actual construction,
382 maintenance and installation of such improvements and utilities
383 within a period specified in the bond. Such regulations may provide,

384 in lieu of the completion of the work and installations above referred
385 to, previous to the final approval of a plan, for an assessment or other
386 method whereby the municipality is put in an assured position to do
387 such work and make such installations at the expense of the owners of
388 the property within the subdivision. Such regulations may provide
389 that in lieu of either the completion of the work or the furnishing of a
390 bond as provided in this section, the commission may authorize the
391 filing of a plan with a conditional approval endorsed thereon. Such
392 approval shall be conditioned on (1) the actual construction,
393 maintenance and installation of any improvements or utilities
394 prescribed by the commission, or (2) the provision of a bond as
395 provided in this section. Upon the occurrence of either of such events,
396 the commission shall cause a final approval to be endorsed thereon in
397 the manner provided by this section. Any such conditional approval
398 shall lapse five years from the date it is granted, provided the
399 applicant may apply for and the commission may, in its discretion,
400 grant a renewal of such conditional approval for an additional period
401 of five years at the end of any five-year period, except that the
402 commission may, by regulation, provide for a shorter period of
403 conditional approval or renewal of such approval. Any person, firm or
404 corporation who, prior to such final approval, sells or offers for sale
405 any lot subdivided pursuant to a conditional approval shall be fined
406 not more than five hundred dollars for each lot sold or offered for sale.

407 Sec. 7. Section 8-26 of the general statutes is repealed and the
408 following is substituted in lieu thereof (Effective October 1, 2003):

409 All plans for subdivisions and resubdivisions, including
410 subdivisions and resubdivisions in existence but which were not
411 submitted to the commission for required approval, whether or not
412 shown on an existing map or plan or whether or not conveyances have
413 been made of any of the property included in such subdivisions or
414 resubdivisions, shall be submitted to the commission with an
415 application in the form to be prescribed by it. The commission shall
416 have the authority to determine whether the existing division of any

417 land constitutes a subdivision or resubdivision under the provisions of
418 this chapter, provided nothing in this section shall be deemed to
419 authorize the commission to approve any such subdivision or
420 resubdivision which conflicts with applicable zoning regulations. Such
421 regulations may contain provisions whereby the commission may
422 waive certain requirements under the regulations by a three-quarters
423 vote of all the members of the commission in cases where conditions
424 exist which affect the subject land and are not generally applicable to
425 other land in the area, provided that the regulations shall specify the
426 conditions under which a waiver may be considered and shall provide
427 that no waiver shall be granted that would have a significant adverse
428 effect on adjacent property or on public health and safety. The
429 commission shall state upon its records the reasons for which a waiver
430 is granted in each case. The commission may establish a schedule of
431 fees and charge such fees. The amount of the fees shall be sufficient to
432 cover the costs of processing subdivision applications, including, but
433 not limited to, the cost of registered or certified mailings and the
434 publication of notices, and the costs of inspecting subdivision
435 improvements. Any schedule of fees established under this section
436 shall be superseded by fees established by ordinance under section 8-
437 1c. The commission may hold a public hearing regarding any
438 subdivision proposal if, in its judgment, the specific circumstances
439 require such action. No plan of resubdivision shall be acted upon by
440 the commission without a public hearing. [Notice of the public hearing
441 shall be given by publication in a newspaper of general circulation in
442 the municipality at least twice at intervals of not less than two days,
443 the first not more than fifteen days, nor less than ten days, and the last
444 not less than two days prior to the date of such hearing, and by
445 sending a copy thereof by registered or certified mail to the applicant.
446 In addition to such notice, such commission may, by regulation,
447 provide for notice by mail to persons who are owners of land which is
448 adjacent to the land which is the subject of the hearing.] Such public
449 hearing shall be held in accordance with the provisions of section 8-7d,
450 as amended by this act. The commission shall approve, modify and

451 approve, or disapprove any subdivision or resubdivision application
452 or maps and plans submitted therewith, including existing
453 subdivisions or resubdivisions made in violation of this section, within
454 the period of time permitted under section 8-26d, as amended by this
455 act. Notice of the decision of the commission shall be published in a
456 newspaper having a substantial circulation in the municipality and
457 addressed by certified mail to any person applying to the commission
458 under this section, by its secretary or clerk, under his signature in any
459 written, printed, typewritten or stamped form, within fifteen days after
460 such decision has been rendered. In any case in which such notice is
461 not published within such fifteen-day period, the person who made
462 such application may provide for the publication of such notice within
463 ten days thereafter. Such notice shall be a simple statement that such
464 application was approved, modified and approved or disapproved,
465 together with the date of such action. The failure of the commission to
466 act thereon shall be considered as an approval, and a certificate to that
467 effect shall be issued by the commission on demand. The grounds for
468 its action shall be stated in the records of the commission. No planning
469 commission shall be required to consider an application for approval
470 of a subdivision plan while another application for subdivision of the
471 same or substantially the same parcel is pending before the
472 commission. For the purposes of this section, an application is not
473 "pending before the commission" if the commission has rendered a
474 decision with respect to such application and such decision has been
475 appealed to the Superior Court. If an application involves land
476 regulated as an inland wetland or watercourse under the provisions of
477 chapter 440, the applicant shall submit an application to the agency
478 responsible for administration of the inland wetlands regulations no
479 later than the day the application is filed for the subdivision or
480 resubdivision. The commission shall not render a decision until the
481 inland wetlands agency has submitted a report with its final decision
482 to such commission. In making its decision the commission shall give
483 due consideration to the report of the inland wetlands agency. In
484 making a decision on an application, the commission shall consider

485 information submitted by the applicant under subsection (b) of section
486 8-25 concerning passive solar energy techniques. The provisions of this
487 section shall apply to any municipality which exercises planning
488 power pursuant to any special act.

489 Sec. 8. Section 8-26b of the general statutes is repealed and the
490 following is substituted in lieu thereof (Effective October 1, 2003):

491 Whenever a subdivision of land is planned, the area of which will
492 abut or include land in two or more municipalities one or both of
493 which are within a region or regions having a regional planning
494 agency or agencies, the planning commission, where one exists, of each
495 such municipality shall, before approving the plan, [submit it ,] give
496 written notice of such subdivision plan to the regional planning agency
497 or agencies of the region in which it or the other municipality is
498 located. Such notice shall be made by certified mail, return receipt
499 requested not later than thirty days before the public hearing to be
500 held in relation thereto. A regional planning agency receiving such
501 [report] notice shall, [within thirty days,] at or before the hearing
502 report to each such planning commission and to the proponent of such
503 subdivision on its findings on the intermunicipal aspects of the
504 proposed subdivision, including street layout, storm drainage, sewer
505 and water service and such other matters as it considers appropriate. If
506 such report of a regional planning agency is not submitted, [within
507 thirty days after transmittal] at or before the hearing, it shall be
508 presumed that such agency does not disapprove of the proposed
509 subdivision. A regional planning agency may designate its executive
510 committee to act for it under this section or it may establish a
511 subcommittee for the purpose. The report of such regional planning
512 agency shall be purely advisory.

513 Sec. 9. Section 8-26d of the general statutes is repealed and the
514 following is substituted in lieu thereof (Effective October 1, 2003):

515 [(a)] In all matters wherein a formal application, request or appeal is
516 submitted to a planning commission under this chapter [and a hearing

517 is held on such application, request or appeal, such hearing shall
518 commence within sixty-five days after receipt of such application,
519 request or appeal and shall be completed within thirty-five days after
520 such hearing commences. All decisions on such matters shall be
521 rendered within sixty-five days after completion of such hearing. The
522 applicant may consent to one or more extensions of any period
523 specified in this subsection, provided the total extension of any such
524 period shall not be for longer than the original period as specified in
525 this subsection, or may withdraw such application, request or appeal]
526 all public hearings shall be held and all decisions made in accordance
527 with the provisions of section 8-7d, as amended by this act.

528 [(b) A decision on an application for subdivision approval, on which
529 no hearing is held, shall be rendered within sixty-five days after
530 receipt of such application. The applicant may consent to one or more
531 extensions of such period, provided the total period of any such
532 extension or extensions shall not exceed sixty-five days.

533 (c) For purposes of subsection (a) or (b) of this section, the receipt of
534 an application, request or appeal shall be the day of the next regularly
535 scheduled meeting of such commission or board, immediately
536 following the day of submission to such board or commission or its
537 agent of such application, request or appeal or thirty-five days after
538 such submission, whichever is sooner. If the commission or board does
539 not maintain an office with regular office hours, the office of the clerk
540 of the municipality shall act as the agent of such commission or board
541 for the receipt of any application, request or appeal.

542 (d) Notwithstanding the provisions of this section, if an application
543 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
544 inclusive, and the time for a decision by a planning commission
545 established pursuant to this section would elapse prior to the thirty-
546 fifth day after a decision by the inland wetlands, the time period for a
547 decision shall be extended to thirty-five days after the decision of such
548 agency. The provisions of this subsection shall not be construed to

549 apply to any extension consented to by an applicant.]

550 Sec. 10. Section 8-26e of the general statutes is repealed and the
551 following is substituted in lieu thereof (Effective October 1, 2003):

552 The planning commission of any municipality shall hold a public
553 hearing on an application or request for a special permit or special
554 exception, as provided in section 8-2. [Notice of the time and place of
555 such hearing shall be published in a newspaper having a substantial
556 circulation in such municipality at least twice, at intervals of not less
557 than two days, the first not more than fifteen days, nor less than ten
558 days, and the last not less than two days before the date of such
559 hearing. In addition to such notice, such planning commission may, by
560 regulation, provide for notice by mail to persons who are owners of
561 land which is adjacent to the land which is the subject of the hearing.
562 At such hearing any party may appear in person and may be
563 represented by agent or by attorney.] Any such public hearing shall be
564 held in accordance with the provisions of section 8-7d, as amended by
565 this act. Such commission shall decide upon such application or
566 request within the period of time permitted under section 8-26d, as
567 amended by this act. Whenever a commission grants or denies a
568 special permit or special exception, it shall state upon its records the
569 reason for its decision. Notice of the decision of the commission shall
570 be published in a newspaper having a substantial circulation in the
571 municipality and addressed by certified mail to the person who
572 requested or applied for a special permit or special exception, by its
573 secretary or clerk, under his signature in any written, printed,
574 typewritten or stamped form, within fifteen days after such decision
575 has been rendered. In any case in which such notice is not published
576 within such fifteen-day period, the person who requested or applied
577 for such a special permit or special exception may provide for the
578 publication of such notice within ten days thereafter. Such permit or
579 exception shall become effective upon the filing of a copy thereof (1) in
580 the office of the town, city or borough clerk, as the case may be, but, in
581 the case of a district, in the offices of both the district clerk and the

582 town clerk of the town in which such district is located, and (2) in the
583 land records of the town in which the affected premises are located, in
584 accordance with the provisions of section 8-3d.

585 Sec. 11. Subsection (b) of section 22a-42a of the general statutes is
586 repealed and the following is substituted in lieu thereof (Effective
587 October 1, 2003):

588 (b) No regulations of an inland wetlands agency including
589 boundaries of inland wetland and watercourse areas shall become
590 effective or be established until after a public hearing in relation
591 thereto is held by the inland wetlands agency, [at which parties in
592 interest and citizens shall have an opportunity to be heard. Notice of
593 the time and place of such hearing shall be published in the form of a
594 legal advertisement, appearing in a newspaper having a substantial
595 circulation in the municipality at least twice at intervals of not less than
596 two days, the first not more than fifteen days nor less than ten days,
597 and the last not less than two days, before such hearing, and a] Any
598 such hearing shall be held in accordance with the provisions of section
599 8-7d, as amended by this act. A copy of such proposed regulation or
600 boundary shall be filed in the office of the town, city or borough clerk
601 as the case may be, in such municipality, for public inspection at least
602 ten days before such hearing, and may be published in full in such
603 paper. A copy of the notice and the proposed regulations or
604 amendments thereto, except determinations of boundaries, shall be
605 provided to the commissioner at least thirty-five days before such
606 hearing. Such regulations and inland wetland and watercourse
607 boundaries may be from time to time amended, changed or repealed,
608 by majority vote of the inland wetlands agency, after a public hearing
609 in relation thereto is held by the inland wetlands agency, [at which
610 parties in interest and citizens shall have an opportunity to be heard
611 and for which notice shall be published in the manner specified in this
612 subsection] in accordance with the provisions of section 8-7d, as
613 amended by this act. Regulations or boundaries or changes therein
614 shall become effective at such time as is fixed by the inland wetlands

615 agency, provided a copy of such regulation, boundary or change shall
616 be filed in the office of the town, city or borough clerk, as the case may
617 be. Whenever an inland wetlands agency makes a change in
618 regulations or boundaries it shall state upon its records the reason why
619 the change was made and shall provide a copy of such regulation,
620 boundary or change to the Commissioner of Environmental Protection
621 no later than ten days after its adoption provided failure to submit
622 such regulation, boundary or change shall not impair the validity of
623 such regulation, boundary or change. All petitions submitted in
624 writing and in a form prescribed by the inland wetlands agency,
625 requesting a change in the regulations or the boundaries of an inland
626 wetland and watercourse area shall be considered at a public hearing
627 [in the manner provided for establishment of inland wetlands
628 regulations and boundaries within ninety days after receipt of such
629 petition. The inland wetlands agency shall act upon the changes
630 requested in such petition within sixty days after the hearing. The
631 petitioner may consent to one or more extensions of the periods
632 specified in this subsection for the holding of the hearing and for
633 action on such petition, provided the total extension of any such
634 period shall not be for longer than the original period as specified in
635 this subsection, or may withdraw such petition] held in accordance
636 with the provisions of section 8-7d, as amended by this act. The failure
637 of the inland wetlands agency to act within any time period specified
638 in this subsection, or any extension thereof, shall not be deemed to
639 constitute approval of the petition.

640 Sec. 12. Subsection (c) of section 22a-42a of the general statutes is
641 repealed and the following is substituted in lieu thereof (*Effective*
642 *October 1, 2003*):

643 (c) (1) On and after the effective date of the municipal regulations
644 promulgated pursuant to subsection (b) of this section, no regulated
645 activity shall be conducted upon any inland wetland or watercourse
646 without a permit. Any person proposing to conduct or cause to be
647 conducted a regulated activity upon an inland wetland or watercourse

648 shall file an application with the inland wetlands agency of the town or
649 towns wherein the wetland or watercourse in question is located. The
650 application shall be in such form and contain such information as the
651 inland wetlands agency may prescribe. The date of receipt of an
652 application shall be [the day of the next regularly scheduled meeting of
653 such inland wetlands agency, immediately following the day of
654 submission to such inland wetlands agency or its agent of such
655 application, provided such meeting is no earlier than three business
656 days after receipt, or thirty-five days after such submission, whichever
657 is sooner] determined in accordance with the provisions of subsection
658 (c) of section 8-7d, as amended by this act. The inland wetlands agency
659 shall not hold a public hearing on such application unless the inland
660 wetlands agency determines that the proposed activity may have a
661 significant impact on wetlands or watercourses, a petition signed by at
662 least twenty-five persons requesting a hearing is filed with the agency
663 not later than fourteen days after the date of receipt of such
664 application, or the agency finds that a public hearing regarding such
665 application would be in the public interest. An inland wetlands agency
666 may issue a permit without a public hearing provided no petition
667 provided for in this subsection is filed with the agency on or before the
668 fourteenth day after the date of receipt of the application. Such hearing
669 shall be held [no later than sixty-five days after the receipt of such
670 application. Notice of the hearing shall be published at least twice at
671 intervals of not less than two days, the first not more than fifteen days
672 and not fewer than ten days, and the last not less than two days before
673 the date set for the hearing in a newspaper having a general circulation
674 in each town where the affected wetland or watercourse, or any part
675 thereof, is located. All applications and maps and documents relating
676 thereto shall be open for public inspection. At such hearing any person
677 or persons may appear and be heard. The hearing shall be completed
678 within forty-five days of its commencement. Action shall be taken on
679 such application within thirty-five days after the completion of a
680 public hearing or in the absence of a public hearing within sixty-five
681 days from the date of receipt of such application. The applicant may

682 consent to one or more extensions of the periods specified in this
683 subsection for the holding of the hearing and for action on such
684 application, provided the total extension of any such period shall not
685 be for longer than the original period as specified in this subsection, or
686 may withdraw such application] in accordance with the provisions of
687 section 8-7d, as amended by this act. If the inland wetlands agency, or
688 its agent, fails to act on any application within thirty-five days after the
689 completion of a public hearing or in the absence of a public hearing
690 within sixty-five days from the date of receipt of the application, or
691 within any extension of any such period as provided in section 8-7d, as
692 amended by this act, the applicant may file such application with the
693 Commissioner of Environmental Protection who shall review and act
694 on such application in accordance with this section. Any costs incurred
695 by the commissioner in reviewing such application for such inland
696 wetlands agency shall be paid by the municipality that established or
697 authorized the agency. Any fees that would have been paid to such
698 municipality if such application had not been filed with the
699 commissioner shall be paid to the state. The failure of the inland
700 wetlands agency or the commissioner to act within any time period
701 specified in this subsection, or any extension thereof, shall not be
702 deemed to constitute approval of the application.

703 (2) An inland wetlands agency may delegate to its duly authorized
704 agent the authority to approve or extend an activity that is not located
705 in a wetland or watercourse when such agent finds that the conduct of
706 such activity would result in no greater than a minimal impact on any
707 wetland or watercourse provided such agent has completed the
708 comprehensive training program developed by the commissioner
709 pursuant to section 22a-39. Notwithstanding the provisions for receipt
710 and processing applications prescribed in subdivision (1) of this
711 subsection, such agent may approve or extend such an activity at any
712 time. Any person receiving such approval from such agent shall,
713 within ten days of the date of such approval, publish, at the applicant's
714 expense, notice of the approval in a newspaper having a general
715 circulation in the town wherein the activity is located or will have an

716 effect. Any person may appeal such decision of such agent to the
717 inland wetlands agency within fifteen days after the publication date
718 of the notice and the inland wetlands agency shall consider such
719 appeal at its next regularly scheduled meeting provided such meeting
720 is no earlier than three business days after receipt by such agency or its
721 agent of such appeal. The inland wetlands agency shall, at its
722 discretion, sustain, alter or reject the decision of its agent or require an
723 application for a permit in accordance with subdivision (1) of
724 subsection (c) of this section.

725 Sec. 13. (NEW) (*Effective October 1, 2003*) (a) Whenever an
726 application or request is made to a water pollution control authority or
727 sewer district for a determination of the adequacy of sewer capacity
728 related to a proposed use of land or for approval to hook up to a sewer
729 system or for approval of any other proposal for waste water treatment
730 or disposal, the water pollution control authority or sewer district shall
731 make a decision on such application or request within thirty-five days
732 from the date of receipt, as defined in subsection (c) of section 8-7d of
733 the general statutes, as amended by this act, of such application or
734 request. The failure of a water pollution control agency or sewer
735 district to act on such application or request within the time period of
736 this section shall constitute an approval of such application or request
737 and a certificate to that effect shall be issued by the authority or district
738 upon demand. The applicant may consent to one or more extensions of
739 such period, provided the total of such extensions shall not exceed an
740 additional thirty-five days.

741 (b) Notwithstanding any other provision of the general statutes, an
742 appeal may be taken from an action of a water pollution control
743 agency or sewer district pursuant to subsection (a) of this section in
744 accordance with section 8-8 of the general statutes.

745 Sec. 14. (*Effective October 1, 2003*) Sections 8-3h, 8-7b, 8-7e, 8-26f, 22a-
746 42b and 22a-42c of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>

Statement of Purpose:

To eliminate confusion and unnecessary complexity in the land use administrative review process by establishing a single procedure for review.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]